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September 21, 2012

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OUR FILE NUMBER

860.080

Mr. Lester Heltzer  
Executive Secretary  
National Labor Relations Board  
1099 14th Street, NW  
Washington, D.C. 20570-0001

Re: Sodexo America, LLC 358 NLRB No. 79 (July 3, 2012)

Dear Executive Secretary Heltzer:

Pursuant to the Board's decision in *Reliant Energy*, 339 NLRB 66 (2003), please accept this letter as Sodexo America, LLC's citation to a supplemental authority.

In *Sodexo America, LLC*, 358 NLRB No. 79 (July 3, 2012), the Notice to Employees contains the usual recitation of the rights under Section 7 of the NLRA, 29 U.S.C. § 157. The Notice, however, contains the following additional language: "We will not do anything that interferes with these rights." In its exceptions, and in its pending motion for reconsideration, Sodexo objected to the inclusion of the "we will not do anything that interferes with these rights" language as part of the Notice.

In *USC University Hosp.*, 358 NLRB No. 132 (Sept. 17, 2012), the administrative law judge's recommended notice contained in the "we will not do anything that interferes with these rights" language to Employees in the recommended Notice to Employees. *Id.*, *slip op.* at 21. In its decision, the Board deleted this language from its notice. *Id.*, *slip op.* at 3. The Board, therefore, made it clear that the "we will not do anything that interferes with these rights" language is not appropriate for inclusion in the Notice.

Mr. Lester Heltzer  
September 21, 2012  
Page 2 of 2

Please submit this letter to the Board for its consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Mark T. Bennett', with a horizontal line extending to the right.

Mark T. Bennett,  
Attorney of  
MARKS, FINCH,  
THORNTON & BAIRD, LLP

MTB:bdp/33Z1414.DOCX

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SODEXO AMERICA LLC

and

Case 21-CA-39086

PATRICIA ORTEGA, an Individual

SODEXO AMERICA LLC; AND

USC UNIVERSITY HOSPITAL

and

Case 21-CA-39109

SERVICE WORKERS UNITED

USC UNIVERSITY HOSPITAL

and

Cases 21-CA-39328

21-CA-39403

NATIONAL UNION OF HEALTHCARE  
WORKERS

**PROOF OF SERVICE VIA ELECTRONIC  
MAIL AND/OR OVERNIGHT EXPRESS**

I, Brandi D. Paape, declare that:

I am over the age of eighteen years and not a party to the action; I am employed in the County of San Diego, California; where the mailing occurs; and my business address is 4747 Executive Drive, Suite 700, San Diego, California 92121-3107. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service pursuant to which practice the correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I caused to be served the following document(s): **LETTER TO EXECUTIVE SECRETARY, LESTER HELTZER DATED SEPTEMBER 21, 2012**, by placing either a copy thereof in a separate overnight envelope or by electronic mail for each address well known and draw any doing see listed as follows:

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I then sealed the envelope(s) and, with the postage thereon fully prepaid, either deposited it/each in the United States Postal Service or placed it/each for collection and mailing on September 21, 2012 at San Diego, California, following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 21, 2012.

  
\_\_\_\_\_  
BRANDI D. PAAPE

860.080/POS.bdp